COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0361-08

Bill No.: HCS for SB 24

Subject: Construction and Building Codes; Counties

Type: Original Date: May 2, 2013

Bill Summary: This proposal modifies provisions relating to political subdivisions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2014	FY 2015	FY 2016	
General Revenue*	(Unknown more than \$533,626)	(Unknown more than \$1,370,548)	(Unknown more than \$1,373,538)	
Total Estimated Net Effect on General Revenue*	(Unknown more than \$533,626)	(Unknown more than \$1,370,548)	(Unknown more than \$1,373,538)	

^{* § 143.145 -} Based on average new home sales prices and estimates of annual new home sales, the loss of revenue from this deduction could range from \$20.736 million to \$33.21 million per year.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS					
FUND AFFECTED	FY 2014	FY 2015	FY 2016		
Blind Pension	(Unknown)	(Unknown)	(Unknown)		
Conservation Commission	(Unknown)	(Unknown)	(Unknown)		
Parks Soil and Water	(Unknown)	(Unknown)	(Unknown)		
School District Trust	(Unknown)	(Unknown)	(Unknown)		
Total Estimated Net Effect on Other State Funds	(Unknown)	(Unknown)	(Unknown)		

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 33 pages.

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ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2014	FY 2015	FY 2016	
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2014	FY 2015	FY 2016	
General Revenue	7 FTE	7 FTE	7 FTE	
Total Estimated Net Effect on FTE	7 FTE	7 FTE	7 FTE	

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS					
FUND AFFECTED FY 2014 FY 2015 FY 201					
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)		

FISCAL ANALYSIS

ASSUMPTION

§ 64.170 - Building Codes:

In response to similar legislation filed this year, SB 24, the following responded:

Officials from the **Department of Agriculture** and **Department of Labor and Industrial Relations** each assume the proposal would not fiscally impact their respective agencies.

Officials from numerous 3rd or 4th class counties did not respond to **Oversight's** request for fiscal impact.

Oversight assumes this proposal permits all counties to adopt building codes if given the authority by the voters of that county.

Oversight assumes there is no fiscal impact from this section of the proposal on state or local government funds.

§ 64.196 - Building Codes Related to Petroleum Gas Installation Regulations:

This provision would prohibit local building regulations that conflict with state liquified petroleum gas installation regulations.

Oversight assumes this section of the proposal would have no direct fiscal impact.

§ 67.281 - Installation of Fire Sprinklers:

Oversight assumes this provision of the proposal removes the expiration date of December 31, 2019 from this section of law. This section of the proposal requires a builder of family dwellings or townhouses to offer to any purchaser on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling or townhouse.

Oversight assumes this section of the proposal would have no direct fiscal impact.

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ASSUMPTION (continued)

§§ 68.205, 68.210, 68.215, 68.225, 68.230, 68.235, 68.240, 68.250, 68.259: Port Improvement District Act:

In response to similar legislation filed this year, HB 733, the following responded:

Officials from the **State Tax Commission** and **City of Kansas City** each assume this section of the proposal will have no fiscal impact on their respective organizations.

In response a similar proposal from this year (SB 257), officials from the **Department of Revenue**, **Department of Transportation** and **St. Louis County** each assumed this section of the proposal would have no fiscal impact on their respective organization.

Officials from the Kansas City Port Authority and City of St. Louis did not respond to our request for fiscal impact.

§§ 71.012, 71.014, 71.015, 72.401 - Annexation:

Oversight assumes these sections specify that a petition requesting a voluntary annexation only needs to be notarized instead of verified and exempts certain voluntary annexations from boundary commission review in St. Louis County. There is no direct fiscal impact from these proposed sections on state or local government funds.

§ 92.387 - Land Sales in Certain Cities:

In response to similar legislation filed this year, HB 892, the following responded:

Officials from the **Missouri Tax Commission** assume this section of the proposal would not fiscally impact their agency.

Oversight assumes this section of the proposal requires any sale of lands under Chapter 92, RSMo, to be subject to valid recorded covenants running with the land and valid easements of record or in use. This section of the proposal will have no direct fiscal impact on state or local government funds.

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<u>ASSUMPTION</u> (continued)

§§ 137.090 and 137.095 - Assessed Value of Tractor Trailers:

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** assume this section of the proposal establishes a new method to determine the assessed valuation of certain tractors and trailers. This proposal will not have a direct impact on general revenues, but local revenues, including those for schools, could be reduced if subdivisions are unable to adjust their levies. This proposal could also reduce Blind Pension Fund revenues.

Oversight assumes this section of the proposal would reduce the assessed valuations of tractor trailers resulting in lower property tax bills for tractor trailer owners.

Oversight assumes an unknown reduction of revenues to local political subdivisions and the State Blind Pension Trust Fund as a result of owners of tractor trailers paying lower property taxes.

§ 143.145 - Personal Income Tax Deduction for New Home Purchase: In response to similar legislation filed this year, HB 194, the following responded:

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** assumed this section of the proposal would not result in additional costs or savings to their organization.

BAP officials noted the proposal would create a temporary tax deduction for the construction of a new single family residence, if that construction is started and completed between 8/28/13 and 12/31/15. The deduction would be limited to 1/3 of the purchase price or \$166,667. Thus, at the full marginal 6% tax rate, the tax benefit would be limited to \$10,000.

BAP officials cited US Census Bureau Building Permits Survey Monthly Data, noting that 9,452 permits for single family housing units were issued in Missouri in the 16-month time period that ended with November, 2012. BAP officials also noted that the US Census Bureau's American Community Survey indicates 65% of housing units are owner-occupied. Assuming the number of housing permits issued is comparable over the sixteen months included in this proposal, and the ratio of homeowners is similar, this proposal could reduce General and Total State Revenues by $((9,452 \times 65\%) = 6,144$ home sales (3,000) = 6.14 million.

Oversight notes the number of sales in the BAP response is for a sixteen month period and the indicated annual sales would be $(6,144 \times 12/16) = 4,608$. The indicated annual revenue reduction would be $(\$61,400,000 \times 12/16) = \$46,050,000$.

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ASSUMPTION (continued)

In response to HB 194, LR 0081-01, officials from the **Department of Revenue (DOR)** assumed that from January 1, 2013 to December 31, 2015, the proposal would allow a filer to claim a deduction for the purchase of a qualified principal residence. The deduction would equal the lesser of 1/3 of the purchase price of the qualified principal residence, or \$166,667. If the deduction amount exceeded the filer's total Missouri Adjusted Gross Income for the year in which the deduction is claimed, any unused deduction could be carried forward to subsequent tax years.

DOR states if a filer disposes of that residence or no longer uses the property as a principal residence, any remaining unused deduction would be forfeited and the filer would be subject to an addition to Missouri adjusted gross income for amounts previously deducted.

DOR could create rules to implement the provisions of this section, and the program would sunset December 31, 2015 unless reauthorized by the General Assembly.

The Department would need to make form changes, and the Department and OA - ITSD (DOR) would need to make programming changes to various tax systems.

Fiscal impact

DOR officials assumed the proposal would have an unknown negative impact on Total State Revenue. The deduction created by this proposal could be as great as \$166,667 per claimant. If the full deduction of \$166,667 is claimed by a qualified taxpayer, that taxpayer could have a tax reduction as large as \$10,000. DOR officials cited a United States Census Bureau report which indicated that 369,000 new homes were sold in 2012. DOR officials assume that 2% of those homes, or 7,380 were sold in Missouri. If each new home purchase was eligible for the full deduction, it would have an annual impact of (7,380 x \$10,000) = \$73,800,000 per year.

Administrative impact

DOR officials assumed Personal Tax would require two additional Temporary Tax Employees for key entry; one additional FTE Revenue Processing Technician I (Range 10, Step L) per 19,000 errors; and one additional FTE Revenue Processing Technician I (Range 10, Step L) per 2,400 pieces of correspondence. In addition, Collections and Tax Assistance (CATA) would require one additional FTE Tax Collection Technician I (Range 10, Step L) per 15,000 additional calls annually to the delinquent tax line, plus CARES equipment and license; one additional FTE Tax Collection Technician I (Range 10, Step L) per 15,000 additional calls annually to the non-delinquent tax line, plus CARES equipment and license; and one additional FTE Revenue

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ASSUMPTION (continued)

Processing Technician I (Range 10, Step L) per 4,800 additional contacts annually to the Tax Assistance Offices, plus CARES equipment and license.

The DOR response included two additional temporary employees, five additional full - time employees, and the related benefits, equipment, and expense. The estimated costs totaled \$217,043 for FY 2014, \$219,936 for FY 2015, and \$222,242 for FY 2016.

Oversight assumes the DOR estimate of expense and equipment cost for the new FTE could be overstated. If DOR is able to use existing desks, file cabinets, chairs, etc., the estimate for equipment for fiscal year 2014 could be reduced by roughly \$6,000 per new employee.

Oversight has, for fiscal note purposes only, changed the starting salary for the additional employees to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research. Oversight has also adjusted the DOR estimate of equipment and expense in accordance with OA budget guidelines. Finally, Oversight assumes a limited number of additional employees could be accommodated in existing office space.

Oversight notes that the earliest date to begin construction of a qualified new home under this proposal would be August 28, 2013, and assumes that a home could be completed and occupied by December 31, 2013. Since Missouri personal income tax returns are primarily filed on a calendar year basis and the qualifying construction dates are in 2013, the first deductions under this program could be claimed on 2013 income tax returns which would be filed in FY 2014.

Oversight will include costs for the Department of Revenue for six months of FY 2014 and all of FY 2015 and FY 2016.

IT impact

DOR officials provided an estimate of the IT cost to implement this proposal of \$13,633, based on 540 hours of programming to make changes to DOR systems.

Oversight assumes OA - ITSD (DOR) is provided with core funding to handle a certain amount of activity each year. Oversight assumes OA - ITSD (DOR) could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OA - ITSD (DOR) could request funding through the appropriation process.

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ASSUMPTION (continued)

Oversight assumes filers who would be able to purchase a home for \$500,000 would be able to deduct one - third of that amount or \$166,667 and would be able to reduce their income tax obligation by up to $($166,667 \times .06) = $10,000$. Oversight has used data provided by the University of Missouri, Economic Policy Analysis and Research Center to estimate the number of filers who would be able to take the maximum deduction available under this program; our estimate indicated that about 48,000 filers would have sufficient taxable income to do so.

Oversight notes according to Census Bureau data, the national average new home price was approximately \$225,000 in 2011, and Oversight assumes that Missouri prices are consistent with the national average. Further, Oversight notes there was little change in new home prices from 2011 to 2012. Under this proposal, the buyer of a new home could claim a deduction for one - third of the new home price or (\$225,000 / 3) = \$75,000 which would provide a reduction in the buyer's income tax up to $(\$75,000 \times .06) = \$4,500$.

Oversight notes at the average new home sales price, the DOR estimate of new home purchases would indicate a revenue reduction of (7,380 x \$4,500) = \$33,210,000. The BAP estimate of new home purchases would indicate an annual revenue reduction of (4,608 x \$4,500) = \$20,736,000.

Oversight notes twenty-three claims at the average sales price would result in a revenue reduction of \$100,000, and will include a revenue reduction in excess of \$100,000 for FY 2014. For FY 2015 and FY 2016, Oversight notes 222 claims at the average sales price would result in a revenue reduction of \$1,000,000 (222 x \$4,500). Oversight will indicate a revenue reduction in excess of \$1 million per year for FY 2015 and FY 2016.

Oversight assumes some buyers could purchase a new home but not have sufficient taxable income to use the full deduction in one year; those buyers would be able to use the full deduction amount over a number of subsequent years. Accordingly, this program could result in revenue reductions for several years after FY 2016 but those amounts will not be included in this fiscal note.

Oversight notes this program could result in greater sales tax revenues for the state and local governments, and could eventually result in greater local property tax revenues. Those additional revenues are considered an indirect impact and will not be included in this fiscal note.

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ASSUMPTION (continued)

§§ 143.789 and 143.790 - Ambulance Service Debt Offset:

In response to similar legislation filed this year, HCS for HB 234, the following responded:

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** assumed this section of the proposal would not result in additional costs or savings to their organization.

BAP officials assumed this section of the proposal would allow for an offset against an individual's income tax refund to pay delinquent taxes owed to the state of Missouri, debts owed to a state agency, support obligations enforced by the Family Services Division, collection assistance fees, qualified health service claims, and delinquent taxes owed to the United States. BAP officials also assumed the proposal would increase General and Total State Revenues by unknown amounts through the mitigation of outstanding tax liabilities and debts to state agencies, and due to collection assistance fees applied and deposited into the General Revenue Fund.

BAP officials did not provide an estimate of the fiscal impact for this section of the proposal.

Officials from the **Department of Revenue (DOR)** provided the following response to a previous version of this proposal.

§ 143.789

This section of the proposal would grant the Director the authority to offset an income tax refund in specific situations, and would provide the order of priority in which claims for a refund offset could be paid.

The Department and OA - ITSD (DOR) would need to make programming changes to various processing systems.

§ 143.790

This section of the proposal would eliminate the current program for processing delinquent health care billing claims, and would provide a system for processing delinquent ambulance service claims through a clearinghouse designated by DOR.

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ASSUMPTION (continued)

This section of the proposal would authorize a collection assistance fee for DOR services; in the event DOR is unable to offset the entire eligible claim and collection assistance fee under this section, the collection assistance fee would have priority over the claim.

Lottery prizes would be subject to the same offset procedures as income tax refunds.

The Department and OA - ITSD (DOR) would need to make programming changes to hold the refund payment in suspense during the appeal period, and to deduct a collection fee.

The Department and OA - ITSD (DOR) would need to make additional programming changes if DOR is required to offset lottery payments in addition to income tax refunds.

Fiscal Impact

DOR officials noted that Total State Revenue would be increased by \$14 for every refund offset processed, but DOR did not provide an estimate of the number of potential offsets for this program.

Administrative Impact

DOR officials assumed implementing the proposal would require additional employees. Personal Tax would require two additional FTE Revenue Processing Technician I (Range 10, Step L) to process correspondence and apportionments and one additional FTE Accountant I (Range 18, Step M) to administer the money. In addition, Collections and Tax Assistance (CATA) would require one additional FTE Tax Collection Technician I (Range 10, Step L) per 15,000 additional contacts annually on the delinquent tax line, with CARES phone equipment, one additional FTE Tax Collection Technician I (Range 10, Step L) per 24,000 additional contacts annually on the non-delinquent tax line, with CARES phone equipment, and one additional FTE Revenue Processing Technician I (Range 10, Step L) per 4,800 additional contacts annually in the Tax Assistance Offices, with CARES phone equipment.

The DOR response included a total of six additional employees; with the associated benefits, equipment, and expense, the estimated cost totaled \$253,315 for FY 2014, \$257,201 for FY 2015, and \$259,898 for FY 2016.

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ASSUMPTION (continued)

Oversight assumes the DOR estimate of expense and equipment cost for the new FTE could be overstated. If DOR is able to use existing desks, file cabinets, chairs, etc., the estimate for equipment for fiscal year 2012 could be reduced by roughly \$6,000 per new employee.

Oversight notes that this section of the proposal would be limited to unpaid ambulance service claims, and would require most of the processing for those claims to be done by the claimant and the clearinghouse. Accordingly, Oversight assumes the proposal could be implemented with two additional DOR employees. If unanticipated costs are incurred or if multiple proposals are enacted which increase the DOR workload, resources could be requested through the budget process.

Oversight has, for fiscal note purposes only, changed the starting salary for the additional employees to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research. Oversight has also adjusted the DOR estimate of equipment and expense in accordance with OA budget guidelines. Finally, Oversight assumes a limited number of additional employees could be accommodated in existing office space.

IT Impact

DOR officials provided an estimate of the IT cost to implement this proposal of \$122,699 based on 4,536 hours of programming to make changes to DOR systems.

Oversight will include the DOR estimate of IT cost in this fiscal note.

Officials from the **Missouri Lottery (Lottery)** assume this section of the proposal could negatively impact player behavior by allowing offset of lottery prize payouts for public ambulance services.

Lottery officials stated that staff resources would be necessary to process the offsets, and the proposal would also require IT programming costs and ongoing accounting resources. Lottery officials provided an estimate of \$100,000 for IT programming to the Lottery check writing system for the new offset category, and an unknown cost for administering the offset process.

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ASSUMPTION (continued)

Oversight assumes the prospect of a debt offset against lottery prize payouts could affect player behavior but that effect would not be considered a direct impact and will not be included in this fiscal note. For fiscal note purposes, Oversight will include an unknown IT cost for the Lottery to make changes to their systems. Oversight assumes that any administrative or personnel cost to the Lottery as a result of this proposal would be minimal and could be absorbed with existing resources. If unanticipated costs are incurred or if multiple proposals are enacted which increase the Lottery workload, resources could be requested through the budget process.

Officials from the **Department of Health and Senior Services (DHSS)** assume this section of the proposal would have no fiscal impact on their organization. DHSS officials stated that the program currently authorized in state law and assigned to their organization was never implemented.

Officials from **Barton County Memorial Hospital** assume this section of the proposal would have an unknown positive fiscal impact to their organization.

§§ 67.1020 and 144.030 - Transient Guest and Sales Tax Exemption for Entities Providing Disaster Relief Services:

In response to similar legislation filed this year, SB 441, the following responded:

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** assume this section of the proposal would not result in any additional costs or savings to their organization.

BAP officials note this section of the proposal would exempt non - governmental agencies congressionally mandated to provide disaster relief services from transient guest taxes. This provision would have no impact on General and Total State Revenues.

This section would also exempt sales made to those non - governmental agencies as part of a disaster relief service from sales tax. This provision could reduce General and Total State Revenues and local revenues by an unknown amount.

Officials from the **City of Kansas City** assume there would be a loss of revenue from this section of the proposal but could not provide an estimate.

Officials from **St. Louis County** assume there would be a minimal amount of lost revenue but could not provide an estimate.

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ASSUMPTION (continued)

Oversight will include an unknown revenue reduction for the General Revenue Fund and other state funds which receive sales tax revenues, and for local governments. **Oversight** assumes this section of the proposal would not have an impact on sales tax revenues for road funds.

Oversight will also include an unknown revenue reduction for local governments due to the exemption from transient guest taxes (67.1020).

§§ 177.011 and 177.088 - School Facilities and Equipment:

In response to similar legislation filed this year, HB 783, the following responded:

Officials from the **Department of Elementary and Secondary Education** state this section of the proposal will have no fiscal impact on their agency or on school districts.

§§ 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.840, 184.845, 184.847, 184.850, and 184.865 Museum Districts in Natural Disaster Areas:

In response to similar legislation filed this year, SB 74, the following responded:

BAP assumes this section of the proposal also modifies the existing Missouri Museum District Act to permit only qualifying disaster areas to establish a Museum and Cultural District. This district is authorized to implement a local sales tax up to one percent; however, the Department of Revenue is not involved in administering the tax. Therefore, there is no impact to general revenue or TSR.

BAP states section 184.840, RSMo, allows General Revenue appropriations for the district. There is not an existing appropriation for this purpose in the FY13 budget but there was an appropriation in a prior fiscal year (FY99) to the American National Fish and Wildlife Museum District.

BAP assumes this section of the proposal should not result in any additional costs or savings to BAP.

Officials at the **City of Kansas City (KC)** assume limiting museum districts to places where the majority of property has been declared a disaster area will impair the city's ability to form museum districts and impose a museum district sales tax if the city would choose to do so. KC assumes that loss of revenue might be one the city would be called upon to fill, though not obligated to do so. KC assumes no direct fiscal impact from this section of the proposal

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<u>ASSUMPTION</u> (continued)

Oversight notes this proposal does not appear to limit the City of Kansas City's ability to form museum districts and impose a museum district sales tax but would permit a Museum District within a Natural Disaster area to be established.

Oversight assumes the Museum District sales tax would result in additional revenues and expenditures to local governments for the locally administered sales tax which would be collected and then disbursed to the museum district if the local government chooses to impose a museum and cultural district sales tax on all retail sales made in the district.

§§ 190.098 and 190.100 Community Paramedics:

In response to similar legislation filed this year, HB 335, officials from the **Department of Health and Senior Services (DHSS)** stated the National Register for Emergency Medical Technicians (NREMT) recognizes and Missouri has adopted, Emergency Medical Responder (First Responder), EMT Basic, EMT Intermediate and EMT Paramedic certifications. There is no community paramedic certification, so Missouri has no benchmark to use as a template.

DHSS will be required to develop and implement a new testing and tracking system. Since the nature and scope of required training and educational materials and systems are unknown, the impact on DHSS is unknown.

Oversight assumes the unknown cost estimated by DHSS would be limited to FY 2014 for creating a implementing this new system.

Oversight assumes the parts of the proposal regarding a possible sales tax for Liberty and tax levy for fire protection districts are permissive and dependent upon several layers of approval; therefore, **Oversight** will not reflect a fiscal impact from these provisions.

§ 192.310 - City of St. Charles Health Department:

In response to similar legislation filed this year, HB 932, the following responded:

Officials from the **Department of Health and Senior Services** and the **City of St. Charles** each assume the proposal would not fiscally impact their respective agencies.

Oversight notes the City of St. Charles did not provide a statement of fiscal impact in the event the city chooses to establish and maintain a local health department.

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ASSUMPTION (continued)

Oversight assumes the proposal allows the City of St. Charles to establish and maintain a local health department, for fiscal note purposes only, **Oversight** will show a direct fiscal impact of \$0 or an unknown cost greater than \$100,000 to the City of St. Charles from this proposal.

§ 228.369 - Homeowners Association Maintenance of Private Roads: In response to similar legislation filed this year, HB 868, the following responded:

Officials from the Office of State Courts Administrator, Department of Transportation, Missouri Tax Commission, City of Kansas City, St. Louis County Directors of Elections each assume this section of the proposal would not fiscally impact their respective agencies.

Oversight assumes there is no fiscal impact from this section of the proposal on state or local government funds.

§§302.060, 302.302, 302.304, 302.309, 302.525, 476.385 and 577.041 - Alcohol Related Traffic Offenses:

In response to similar legislation filed this year, HB 931, the following responded:

Officials from the **Office of the State Courts Administrator** assume the proposal will have no fiscal impact on their organization.

\$302.060

Officials from the **Department of Revenue (DOR)** state the proposed language will now require a court to order the reinstatement on a 5-year denial, rather than give the court discretion to order it. This could potentially increase the volume of court orders received by the Department. The impact to the Department is unknown, however, a Revenue Processing Tech I (RPT I - A10/L) can process 30 court orders per day. If the volume of court orders the Department receives increases, additional FTE will be requested through the appropriation process.

§302.304.5

DOR assumes the proposed language changes a driver's eligibility for a Restricted Driving Privilege (RDP) when they install an ignition interlock device. A driver with one alcohol conviction will immediately be eligible for an RDP if they file an SR-22 and install an ignition interlock device (IID) for the 90-day suspension period. If during the RDP period, the driver has a violation of their IID, the driver's RDP will be extended for 30 days. Only one 30-day extension may be granted. The language also requires the driver to complete the 30-day RDP extension period "without any" violations before he or she is eligible for full reinstatement.

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ASSUMPTION (continued)

A driver with only one alcohol conviction on his or her driving record still has the option to serve a 30-day suspension period, followed by a 60-day RDP without the requirement to install an IID.

§ 302.309.3

DOR assumes the proposed language under this section will do the following:

- Allow for the issuance of a LDP to a driver who is revoked for refusing to submit to a chemical test without the driver first serving a 90-day hard walk period;
- Allow for the issuance of a LDP to any driver currently revoked a second or subsequent time for refusing to submit to a chemical test or any driver applying for a LDP who has multiple refusal revocation on their driving record if the person installs IID. Currently, a person who has more than one revocation for refusing to submit to a chemical test is ineligible for a LDP regardless of the type of suspension they are requesting the LDP for;
- No longer allow for the issuance of a LDP to a driver who has been denied a license for 5 or 10 years pursuant to subdivisions (9) and (10) of subsection 1 of Section 302.060; and
- Require any person receiving a court-ordered LDP for any alcohol-related suspension or revocation to install IID to become eligible for such LDP.

The number of LDP applications received by the Department for persons suspended or revoked for refusing a chemical test or other alcohol-related suspensions and revocations may increase. In addition, more drivers will be required to have IID to be eligible for a LDP on alcohol suspensions and revocation. This requires the Department to track the installation and status of the IIDs for these drivers. The impact to the Department is unknown, however, a Revenue Processing Tech I (RPT I - A10/L) can process 50 LDP applications and court-ordered LDPs per day. If the volume of LDP applications and court orders the Department receives increases, additional FTE will be requested through the appropriation process.

§ 302.525.2

DOR assumes the proposed language changes a driver's eligibility for a Restricted Driving Privilege (RDP) when he or she installs an IID. A driver who has not had an alcohol-related enforcement contact in the last five years will immediately be eligible for an RDP if he or she files an SR-22 and installs an IID for the 90-day suspension period. If during the RDP period, the driver violates his or her IID, the driver's RDP will be extended for an additional 30 days. Only one 30-day extension may be granted. However, the proposed language also requires the driver to complete the 30-day RDP extension period "without any" violations before they are eligible for full reinstatement. This language conflicts with the requirement to only allow one additional 30-day RDP extension.

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<u>ASSUMPTION</u> (continued)

A driver who only has one administrative alcohol suspension also has the option to serve a 30-day suspension period, followed by a 60-day RDP period without the requirement to install an IID. However, a driver who has more than one alcohol-related enforcement contact on his or her driving record must install IID to receive the 60-day RDP.

Administrative Impact

DOR assumes the following changes will need to be implemented to provide for the changes in this legislation:

- Revisions to the Notices of Suspension issued by law enforcement to the offender;
- Print 160,000 new Notices of Suspension letters;
- Replace the supply of forms in central stores (28,800 notices) and
- Mail 131,200 forms to 656 law enforcement agencies (656 x 200 forms each= 131,200).

Cost for printing -
$$160,000$$
 @\$0.12= \$19,200
Cost for envelopes - 656 @\$0.12= \$79
Cost for postage - 656 @\$5.48= $\frac{$3,595}{$}$

• Programing and testing of the Missouri Driver License (MODL) system along with training staff.

Administrative Analyst I- 240 hrs @ \$24 (1 ½) per hr =	\$5,760
Management Analyst Spec II- 240 hrs @ \$23 per hr =	\$5,520
Revenue Band Manager I- 80 hrs @ \$25 per hr =	\$2,000
T-4-1	012 200

Total = \$13,280

Requires updates to the following:

- Letters;
- Forms:
- Procedures;
- Department's website; and
- Missouri Driver Guide.

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ASSUMPTION (continued)

The IT portion of this section is estimated with a level of effort calculated on 390 hours at \$27.05 per hour totaling \$10,550.

DOR assumes a cost of \$48,524 (\$22,874 + \$13,280 + \$1,820 + \$10,550) in FY 2014 to provide for the implementation of the changes for these sections in this proposal.

§ 577.041.1

DOR assumes the proposed language allows a driver who has not previously refused to submit to a chemical test, to receive a RDP immediately for a period of 90 days if he or she installs IID and files proof of SR-22 with the Department.

If during the RDP period, the driver violates his or her IID, the driver's RDP will be extended for 30 days. Only one 30-day extension may be granted. The language requires the driver to complete the 30-day RDP extension period "without any" violations before being eligible for full reinstatement.

Administrative Impact

DOR assumes the following changes will need to be implemented to provide for the changes in this legislation:

- Requires revisions to the Alcohol Influence Report (AIR) completed by law enforcement and filed with the Department;
- Print 160,000 notices;
- Replace the supply of forms in central stores (28,800 AIRs) and
- Mail 131,200 forms to 656 law enforcement agencies. $(656 \times 200 \text{ forms each} = 131,200)$.

			Total = \$8,474
Cost for postage -	656 @	\$5.48=_	\$3,595
Cost for envelopes	- 656 @	\$0.12=	\$79
Cost for printing - 1	60,000@	v\$0.03=	\$4,800

- Requires revisions to the Notice of Loss served by law enforcement to the offender;
- Print 160,000 notices;
- Replace the supply of forms in central stores (28,800 Notices) and
- Mail 131,200 forms to 656 law enforcement agencies (656 x 200 forms each= 131,200).

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<u>ASSUMPTION</u> (continued)

Cost for printing - 1	160,000 (@\$0.12=	\$19,200
Cost for envelopes	- 656 @	\$0.12=	\$79
Cost for postage -	656 @	\$5.48=	\$3,595
			Total = \$22,874

DOR assumes the law will be retroactive and anyone who is revoked for a first refusal to submit to a chemical test when the law becomes effective will be eligible for a 90-day RDP. A sweep of the MODL system shows there are currently 58,323 who would be affected by this law. The Department assumes it would need to notify these drivers of their ability to "possibly" obtain an RDP.

	Total =	\$30,621
Cost for postage -	58,323 @ .46=	\$26,829
Cost for envelopes -	58,323 @ .04=	\$2,333
Cost for printing-	58,323 @ .025=	\$1,459

Based on the number of changes this proposal provides, FTE will be required to answer phone calls, prepare correspondence, and assist in-person customers. In addition to the 58,323 drivers that are currently suspended for first-time chemical refusals, statistics from FY12 show the Department adds an additional 10,215 new suspensions each year. Due to the new provisions in 557.041, allowing for an offender to obtain an RDP immediately after an arrest and the Department's requirement to extend offenders RDP period if violations with the IID occur, the Department assumes a large percentage of the people affected by these changes will contact the Department. Although the number of contacts is unknown, based on discussions with other states that currently have laws requiring monitoring of IID devices, each offender could potentially contact the Department numerous times due to IID violations extending the RDP period. In addition to the offenders contacting the Department, ignition interlock providers will contact the Department to determine when the device can be removed or the length of the monitoring period. For the purposes of this fiscal note, the Department will assume that a person will contact us at least 2 times per year.

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<u>ASSUMPTION</u> (continued)

58,323 - Number of current first-time Chemical Refusals on record.

+ 10,215- Potential first-time refusals added in FY 14.

68,538- Total number of persons who will be affected by new law.

<u>X 50%-</u> Percent of persons who will contact the Department.

34,269- Number of yearly contacts.

X 2- Average number of contacts per person each year.

68,538- Number of contacts per year.

/ 260- Number of working days per year.

264- Number daily contacts.

/ 100- Number of calls a RPT I can answer daily.

2.63= 3 FTE needed to handle additional customer contacts

Currently an RPT I (A10/L) can answer 100 phone calls per day or answer 30 written inquiries and assist in-person customers. As such, at least 3 FTE are needed to handle the additional customer contacts. Since the Department cannot determine the exact number of contacts it will receive based on this proposal, additional FTE may be needed. The additional FTE will be requested through the appropriation process.

DOR assumes the following changes will need to be implemented to provide for the changes in this legislation:

• Requires programming and testing of the Missouri Driver License (MODL) system along with training staff.

Administrative Analyst I- 240 hrs @ \$24 (1 $\frac{1}{2}$) per hr = \$5,760 Management Analyst Spec II- 240 hrs @ \$23 per hr = \$5,520 Revenue Band Manager I- 80 hrs @ \$25 per hr = \$2,000 **Total = \$13,280** L.R. No. 0361-08 Bill No. HCS for SB 24 Page 21 of 33 May 2, 2013

ASSUMPTION (continued)

Requires updates to the following

- Letters;
- Forms:
- Procedures:
- Department's website; and
- Missouri Driver Guide.

Administrative Analyst III - 10 hrs @ \$22 \$220

Management Analysis Spec I - 80 hrs @ \$20

Total = \$1,820

The IT portion of this section is estimated with a level of effort calculated on 890 hours at \$27.05 per hour totaling \$24,075.

DOR assumes a cost of \$105,944 (\$4,800 + \$8,474 + \$22,874 + \$30,621 + \$13,280 + \$1,820) in FY 2014 to provide for the implementation of the changes in these sections for this proposal.

In summary, DOR assumes a cost of \$154,468 (\$48,524 + \$105,944) to provide for the implementation of the changes in this proposal.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb some of the costs related to this proposal. Oversight will assume administrative cost to provide for the changes in this proposal to the DOR could exceed \$100,000. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

§ 321.322 - City of Harrisonville Fire Protection District:

In response to similar legislation filed this year, HB 846, the following responded:

Officials from the **Department of Public Safety - Division of Fire Safety** and **Missouri Tax Commission** each assume this section of the proposal would not fiscally impact their respective agencies.

Officials from the City Harrisonville and Cass County did not respond to **Oversight's** request for fiscal impact.

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<u>ASSUMPTION</u> (continued)

Oversight assumes the proposal permits the City of Harrisonville to annex a fire protection district. For fiscal note purposes only, **Oversight** will show no direct fiscal impact to the City of Harrisonville.

§ 321.690 - Audits of Fire Protection Districts in Greene County: In response to similar legislation filed this year, HB 66, the following responded:

In response to similar legislation from 2012 (HB 1945), officials from the **Battlefield Fire Protection District** stated larger fire districts in Greene County have annual audits performed but only the biennial audit is forwarded to the State Auditor. Removal of the biennial audit requirement would result in some savings to the district.

Oversight notes according to Section 321.690.2 (2), RSMo, any fire protection district with less than fifty thousand dollars in annual revenue in Greene County may already be exempted from the biennial audit requirement with the approval of the State Auditor.

Oversight assumes any larger fire protection district with revenues greater than fifty thousand dollars already has an annual audit performed.

Oversight assumes this section of the proposal may result in minimal savings to Greene County Fire Protection Districts. For the purpose of the fiscal note, will show no direct fiscal impact to local fire protection districts in Greene County.

Officials from the Office of the State Auditor, Department of Public Safety - Division of Fire Safety, Nixa Fire Protection District, and Missouri State Emergency Management Agency each assume this section of the proposal would not fiscally impact their respective agencies.

Officials from the City of Springfield, and Greene County did not respond to **Oversight's** request for fiscal impact.

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<u>ASSUMPTION</u> (continued)

Bill as a Whole:

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

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FISCAL IMPACT - State Government	FY 2014	FY 2015	FY 2016
GENERAL REVENUE			
Cost - Department of Revenue §143.145			
Salaries and wages	(\$65,640)	(\$131,280)	(\$132,593)
Benefits	(\$33,309)	(\$66,618)	(\$67,284)
Equipment and expense	(\$37,610)	(\$1,499)	(\$1,537)
Total costs - DOR	(\$136,559)	(\$199,397)	(\$201,414)
FTE change - DOR	5 FTE	5 FTE	5 FTE
Revenue Reduction- Personal Income Tax			
§143.145 - Income Tax Deduction for	(More than	(More than	(More than
New Home Purchase*	\$100,000)	\$1,000,000)	\$1,000,000)
Additional Revenue - DOR			
§143.790 - Collection Assistance Fees	Unknown	Unknown	Unknown
Debt Offset	Chkhown	Chkhown	Chkhown
Cost - DOR			
§ 143.790 - Debt Offset			
Salaries	(\$38,560)	(\$46,272)	(\$46,735)
Benefits	(\$19,567)	(\$23,481)	(\$23,716)
IT cost	(\$122,699)	\$0	\$0
Equipment and expense	(\$16,241)	(\$1,398)	(\$1,673)
Total cost - DOR	(\$197,067)	(\$71,151)	(\$72,124)
FTE change - DOR	2 FTE	2 FTE	2 FTE
Cost - LOT			
§ 143.790 - IT Cost - Debt Offset	(Unknown)	\$0	\$0
g 115.770 II Cost Best Offset	(Cintilowii)	ΨΟ	ΨΟ
Revenue reduction - § 144.030 - DOR			
Sales Tax Exemption - For Entities	(Unknown)	(Unknown)	(Unknown)
Providing Disaster Relief	,	,	,
<u>Cost</u> - DHSS			
§§ 190.098 and 190.100 - to develop	(Unknown)	\$0	\$0
and implement a new testing and tracking			
system for community paramedic			
certification			

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FISCAL IMPACT - State Government (continued)	FY 2014	FY 2015	FY 2016
Cost - DOR §§ 302.060 et al - Administrative Cost	(Could exceed \$100,000)	(Could exceed <u>\$100,000)</u>	(Could exceed <u>\$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	(Unknown more than <u>\$533,626)</u>	(Unknown more than <u>\$1,370,548)</u>	(Unknown more than <u>\$1,373,538)</u>
Estimated Net FTE Effect on General Revenue Fund	7 FTE	7 FTE	7 FTE
* § 143.145 - Based on average new home s the loss of revenue from this deduction could year.			
BLIND PENSION TRUST FUND			
Reduced Revenue - §§ 137.090 and 137.095 - New Valuation Method for Trailers	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON THE BLIND PENSION TRUST FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
CONSERVATION COMMISSION FUND			
Revenue Reduction - § 144.030 - DOR Sales Tax Exemption - For Entities Providing Disaster Relief	(Unknown)	(Unknown)	(Unknown)

(Unknown)

(Unknown)

(Unknown)

FUND

ESTIMATED NET EFFECT ON CONSERVATION COMMISSION

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• /			
FISCAL IMPACT - State Government (continued)	FY 2014	FY 2015	FY 2016
PARKS, AND SOIL AND WATER FUND			
Revenue Reduction - § 144.030 - DOR Sales Tax Exemption - For Entities Providing Disaster Relief	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON PARKS, AND SOIL AND WATER FUND	<u>(Unknown)</u>	(Unknown)	(Unknown)
SCHOOL DISTRICT TRUST FUND			
Revenue reduction - § 144.030 - DOR Sales Tax Exemption - For Entities Providing Disaster Relief	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON SCHOOL DISTRICT TRUST FUND	(Unknown)	(Unknown)	(Unknown)

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FISCAL IMPACT - Local Government	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL GOVERNMENTS			
Additional Revenue - § 143.790 - collection of unpaid ambulance service charges	Unknown	Unknown	Unknown
Additional Revenue - §184.800 - Museum District Sales Tax	Unknown	Unknown	Unknown
Reduced Revenue - §§ 137.090 and 137.095 - Political Subdivisions and Local Schools - New Valuation Method for Trailers	(Unknown)	(Unknown)	(Unknown)
Revenue Reduction - §§ 67.1020 and 144.030 - Sales Tax Exemption - Transient Guest Tax Exemptions for Entities Providing Disaster Relief	(Unknown)	(Unknown)	(Unknown)
Cost - City of St. Charles § 192.310 - Establishment and Maintenance of a Health Department	\$0 or (Unknown greater than \$100,000)	\$0 or (Unknown greater than \$100,000)	\$0 or (Unknown greater than \$100,000)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL IMPACT - Small Business

§ 64.170 - Building Codes:

Indirect fiscal impact to small businesses could be expected as a result of this section of the proposal if an affected county adopts and requires updated building codes.

§§ 137.090 and 137.095 - Assessed Value of Tractor Trailers:

This section of the proposal would have a direct fiscal impact to small business tractor trailer owners.

§ 143.145 - Personal Income Tax Deduction for New Home Purchase:

This section of the proposal would have a direct fiscal impact to small businesses in new home construction.

§§ 143.789 and 143.790 - Ambulance Service Debt Offset:

This section of the proposal would have a direct fiscal impact on small businesses which operate ambulance services.

The proposed legislation would exempt non - governmental agencies congressionally mandated to provide disaster relief services from transient guest taxes. The proposal would also exempt from state sales tax, local sales tax, and transient guest tax sales to any person when payment is made by those non - governmental agencies as part of a disaster relief service.

§§ 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.840, 184.845, 184.847, 184.850, and 184.865 Museum Districts in Natural Disaster Areas:

A direct fiscal impact to small businesses would occur from this section of the proposal if the small business is in the redevelopment district.

§§302.060, 302.302, 302.304, 302.309, 302.525, 476.385 and 577.041 - Alcohol Related Traffic Offenses:

Small business manufacturers and installers of ignition interlock devices will be positively fiscally impacted by this legislation.

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FISCAL DESCRIPTION

§§ 137.090 and 137.095 - Assessed Value of Tractor Trailers:

This section of the proposal establishes a new method to determine the assessed valuation of certain tractors and trailers.

§ 143.145 - Personal Income Tax Deduction for New Home Purchase:

This section of the proposal would create a personal income tax deduction for the purchase of a new home built between August 28, 2013, and December 31, 2015. The deduction amount would be limited to the lesser of one-third the purchase price or \$166,667. A taxpayer could claim this deduction only once. Any deduction amount which exceeds the filer's taxable income could be carried forward until the full amount is deducted. If a filer takes the deduction but does not use the home as a principal residence for two years, the filer would be required to add any deductions taken to their adjusted gross income.

§§ 143.789 and 143.790 - Ambulance Service Debt Offset:

This section of the proposal would eliminate the health care debt offset program currently assigned to the Department of Health and Senior Services.

This section of the proposal would authorize the Department of Revenue (DOR) to impose a debt offset against a refund due a taxpayer, and would specify the priority of debts which could be offset. DOR could designate a claim clearinghouse which would process and verify offset requests against income tax refunds and lottery winnings. Prior to utilizing the clearinghouse, a health care provider would be required to determine whether the patient is eligible for relief from the debt under the provider's financial hardship policy, and would be required to exhaust all available means of collecting the debt from the patient or third-party payer. The provider would be required to provide specific notices to the patient, and allow for various levels of review and appeal of the claim.

A collection assistance fee would be assessed to each offset for the costs of collecting the debt, and allocated between the clearinghouse and the Department of Revenue. Claims for debts owed to ambulance service providers requesting an offset would have the lowest priority among the claim types in the proposal.

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FISCAL DESCRIPTION (continued)

§ 144.030 - Transient Guest Tax Exemption for Entities Providing Disaster Relief Services:

This section of the proposal would exempt non - governmental agencies congressionally mandated to provide disaster relief services from transient guest taxes. The proposal would also exempt from state sales tax, local sales tax, and transient guest tax sales to any person when payment is made by those non - governmental agencies as part of a disaster relief service.

§§ 184.800, 184.805, 184.810, 184.815, 184.820, 184.827, 184.830, 184.835, 184.840, 184.845, 184.847, 184.850, and 184.865 - Museum Districts in Natural Disaster Areas

This proposal expands the scope of museum districts to include buildings or areas used for promoting culture and the arts, including theater, music, entertainment, public places, libraries, and other public assets.

The proposal restricts the creation of museum and cultural districts under these provisions to situations where the majority of the property is located within a disaster area.

The proposal requires that petitions to create museum and cultural districts be filed within five years of the Presidential declaration establishing the disaster area.

The proposal permits the General Assembly to authorize appropriations from General Revenue to a district created under this proposal for a period of twenty years after January 1, 2013.

The proposal permits the museum district board to impose a sales tax and a fee of up to one dollar on any person or entity that offers or manages an event in the district and charges admission for the event with the approval of qualified voters. The district will not be required to contract only with a not-for-profit or governmental entity to operate and manage any museum or cultural asset in the district.

§§ 190.098 and 190.100 Community Paramedics:

This proposal changes the laws regarding public safety. In its main provisions, the proposal allows a person to be eligible for certification by the Department of Health and Senior Services as a community paramedic if he or she is currently certified as a paramedic and has two years of full-time service as a paramedic or its part-time equivalent; successfully completes a community paramedic education program from a college or university that has been approved by the department or accredited by a national accreditation organization approved by the department.

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FISCAL DESCRIPTION (continued)

§ 192.310 - City of St. Charles Health Department:

This proposal adds the City of St. Charles to those cities that are exempt from the provisions regarding the appointment of a county health officer if the city furnishes the Department of Health and Senior Services with reports of designated contagious, infectious, communicable, or dangerous diseases and other required statistical information.

§§302.060, 302.302, 302.304, 302.309, 302.525, 476.385 and 577.041 - Alcohol Related Traffic Offenses:

This proposal changes the laws regarding alcohol-related traffic offenses

This proposal contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Revenue

Department of Agriculture

Department of Labor and Industrial Relations

Office of Administration - Division of Budget and Planning

Missouri Tax Commission

Department of Transportation

Department of Elementary and Secondary Education

Office of State Courts Administrator

Department of Public Safety - Division of Fire Safety

Department of Public Safety - Missouri State Emergency Management Agency

Office of the State Auditor

Missouri Lottery Commission

Office of Secretary of State

Joint Committee on Administrative Rules

Department of Health and Senior Services

City of Kansas City

St. Louis County

St. Louis County Directors of Elections

Barton County Memorial Hospital

St. Charles City

Battlefield Fire District

Nixa Fire Protection District

NOT RESPONDING

Several 3rd and 4th Class Counties

Cass County

Greene County

City of Springfield

Kansas City Port Authority

City of St. Louis

City Harrisonville

Ross Strope

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> Acting Director May 2, 2013